

REMARKS

Claims 1-10, 13-26, 29 and 31-34 are pending.

Claims 1-10, and 13-22 and 29 are allowed.

Claims 23, 25-26 and 31-33 are rejected.

Claim 34 is objected.

Claim Amendments

The applicant requests entry of the claim amendments along with the RCE to advance the application to allowance. The entry of the amendments require no additional new search as the amended claims include elements not in cited art. The claims as amended are allowable and therefore they should be entered to advance the application to allowance.

Claim Objections

Claim 34 is objected to for depending upon a rejected base claim 23. Applicant has amended independent claim 23 to include that rotatable shaft for moving the metering element. Applicant respectfully requests entry of the amendment, reconsideration and removal of the objection of claim 34, which now depends upon an allowable base claim.

Rejections Under 35 USC 103

Claims 23, 25-26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 401,950 to Haussman. Independent claim 23 has been amended to more

particularly point out the claimed invention by including the element of a rotatable shaft for translationally moving the metering element.

The Haussmann '950 patent teaches a syringe, but there is no reservoir taught to be attached to the compressible line. The '950 patent has a shaft with gradations on it that is metered by linearly depressing the shaft to translate the roller on the metering element to cause a peristaltic dispensing of fluid. The applicant argues that the '950 patent is not a precise as claimed by the applicant because the depression of a shaft can allow for imprecise measuring because of application of too much pressure unintendedly releasing extra material. The instant invention claims rotation of a shaft to translate the metering device and dispense a precise amount without being able to accidentally apply too much pressure and overshoot the intended dosage. The '950 patent does not disclose rotation to precisely advance the metering element and therefore it does not teach applicants independent claims 23 or 31.

The claims as amended are allowable because each and every element of the claims 23 and 31 are not present in the reference. The cited art fails to teach the amended item of the rotational metering translation element present in independent claims 23 and 31, and therefore fails to form a prime facie case of obviousness. The applicant respectfully requests reconsideration and removal of the obviousness rejection of claims 23, 25-26 and 31.

CONCLUSION

Accordingly, based on the preceding arguments, Applicant respectfully requests that the entire application, is in condition for allowance and therefore request favorable action. However, should the Examiner believe anything further is necessary in order place the application in better condition for allowance, or if the Examiner believes that a telephone interview would be advantageous to resolve the issues presented, the Examiner is invited to contact the Applicant's undersigned representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513.

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Respectfully submitted,

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